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ORDINANCE NO. 2004-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AMENDING CHAPTER 12, "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR "AUTOMATED EXTERNAL DEFIBRILLATORS"; BY CREATING CHAPTER 101, "AUTOMATED EXTERNAL DEFIBRILLATORS;" TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS AT CERTAIN BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's existing Code for regulating the health, safety, and general welfare does not recognize that there are devices that may be desirable to provide emergency medical treatment to City residents at certain buildings; and

WHEREAS, the City has received a number of requests to require Automated External Defibrillator devices at certain buildings to provide emergency services for City residents that may need assistance for cardiac arrest; and

WHEREAS, it is in the best interest of the citizens of Weston that the following requirements to the regulations governing the general welfare of City residents be adopted.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

Section 1. The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

Section 2. Amendment to Chapter 12.

Chapter 12, "Definitions" of the Code of Ordinances of the City of Weston is amended by creating a new term to read as follows:

* * *

AUTOMATED EXTERNAL DEFIBRILLATOR DEVICE. A defibrillator device that 1) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act, 2) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and 3) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

* * *

Section 3. Creation of Chapter 101

Chapter 101, "Automated External Defibrillators" of the Code of Ordinances of the City of Weston is created to read as follows"

Chapter 101: AUTOMATED EXTERNAL DEFIBRILLATORS

Section 101.01 Intent

It is the intent of the City and the purpose of this Chapter:

Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1
2 (A) To promote the public health, safety, and general welfare by requiring the installation of
3 Automated External Defibrillator devices within certain buildings in the City;

4
5 (B) To provide for the inspection of each Automated External Defibrillator device within the
6 City; and

7
8 (C) To provide for the payment of Automated External Defibrillator inspection fees.
9

10 **Section 101.02 Automated External Defibrillator Devices Required**

11
12 Automated External Defibrillator devices shall be installed in the following buildings
13 located within the geographical boundaries of the City:

14
15 (A) Places of public assembly as defined in the Florida Building Code;

16
17 (B) Office buildings in excess of 20,000 square feet;

18
19 (C) Gymnasiums, fitness centers and indoor recreational centers in excess of 1,500 square
20 feet;

21
22 (D) Restaurants with 100 or more seats including indoor, outdoor and bar;

23
24 (E) Commercial and retail spaces in excess of 35,000 square feet; and

25
26 (F) All hotels and motels.
27

28 **Section 101.03 Installation and Operation**

29
30 (A) The City shall inspect all Automated External Defibrillator devices for operation prior to
31 being placed in service or available for use, and on an annual basis.

32
33 (B) Automated External Defibrillator devices shall be:

34
35 (1) Conspicuously located in plain view of the primary public entrance, with
36 unobstructed access;

37
38 (2) Housed in a cabinet with a clear window in the door, an audible alarm signaling the
39 opening of the door, permanently affixed to a wall, and whose top is no more than forty-eight
40 inches above the floor;

41
42 (3) Located below a sign having a minimum area of seventy square inches and
43 containing the letters "AED" and the universally recognizable "AED" symbol, which shall be placed
44 no more than sixty inches, on center, above the floor;

45
46 (4) Readily accessible and immediately available when needed for on-site employees
47 and the general public, including disabled persons; and

48
49 (5) Placed near the elevator(s) in the first floor lobby, if the building contains an
50 elevator.

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1
2 (C) Automated External Defibrillator devices shall contain adult and pediatric pads and
3 bandage scissors.

4
5 (D) All Automated External Defibrillator devices shall be used in accordance with
6 manufacturer's guidelines.

7
8 (E) It shall be the responsibility of the owner of the building to:

9
10 (1) Install Automated External Defibrillator devices;

11
12 (2) Provide all necessary training for appropriate use; and

13
14 (3) Maintain Automated External Defibrillator devices in accordance with
15 manufacturer's recommended maintenance requirements and as required herein.

16
17 (F) If an Automated External Defibrillator device is removed for repair, a replacement shall
18 be provided.

19
20 **Section 101.04 Fees**

21
22 Fees for Automated External Defibrillator device permits and inspections shall be set by
23 Resolution.

24
25 **Section 101.05 Penalties**

26
27 It shall constitute a violation of City Code, punishable as provided in §10.99, to
28 intentionally or willfully:

29
30 (A) Render an Automated External Defibrillator device inoperative except during such time
31 as the Automated External Defibrillator device is being serviced, tested, repaired, or recharged,
32 except pursuant to court order;

33
34 (B) Obliterate the serial number on an Automated External Defibrillator device for purposes
35 of falsifying service records;

36
37 (C) Improperly service, recharge, repair, test, or inspect an Automated External Defibrillator
38 device;

39
40 (D) Use the inspection certificate of another person; or

41
42 (E) Hold an inspection certificate and allow another person to use said inspection
43 certificate number.

44
45 **Section 101.06 Applicability**

46
47 The owner of any existing building required to have an Automated External Defibrillator
48 device shall comply with this section within 180 days of the effective date of this Ordinance. After
49 the effective date of this Ordinance, the owner of any new building constructed required to have an
50 Automated External Defibrillator device shall comply with this section.

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1
2 **Section 4. Codification.**
3

4 It is the intention of the City Commission that the provisions of this Ordinance become and
5 be made part of the City Code, and that the Sections of this Ordinance may be renumbered or
6 relettered and the word "ordinance" may be changed to "section" or such other appropriate word or
7 phrase to accomplish such intentions.
8

9 **Section 5. Severability.**
10

11 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
12 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
13 validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be
14 invalid.
15

16 **Section 6. Conflict.**
17

18 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
19 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this ordinance are repealed
20 to the extent of such conflict.
21

22 **Section 7. Effective Date.**
23

24 This Ordinance shall become effective upon passage and adoption.
25


26 PASSED ON FIRST READING August 16, 2004.
27

28 PASSED AND ADOPTED ON SECOND READING September 13, 2004.
29

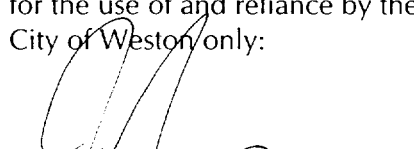
30 CITY COMMISSION
31 CITY OF WESTON, FLORIDA
32

33
34 ATTEST:

35
36 By: 
Eric M. Hersh, Mayor

37 
38 Patricia A. Bates, City Clerk
39

40
41 Approved as to form and legality
42 for the use of and reliance by the
43 City of Weston only:
44

45 
46
47 Jamie Alan Cole, City Attorney
48

Roll Call:
Commissioner Stermer Yes
Commissioner Bartleman Yes
Commissioner Chermak Yes
Commissioner Herrera-Hill Yes
Mayor Hersh Yes

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